

SENATE BILL

No. 34

Introduced by Senator Padilla

February 5, 2010

An act relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 34, as introduced, Padilla. Energy: solar thermal powerplant: expedited siting.

(1) Existing law vests exclusive power to certify a thermal powerplant with the State Energy Resources Conservation and Development Commission. Existing law requires a person to obtain a certification from the commission prior to commencing the construction of a thermal powerplant.

This bill would require the commission to establish an expedited process to issue, not later than December 31, 2010, a final decision on an application for certification of a solar thermal powerplant that has applied for and will receive funding under the federal American Recovery and Reinvestment Act of 2009.

The bill would repeal these provisions on January 1, 2011.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) Notwithstanding subdivision (a) of Section
2 25522 of the Public Resources Code and Section 25540.6 of the
3 Public Resources Code, the State Energy Resources Conservation
4 and Development Commission shall establish an expedited process
5 to issue, not later than December 31, 2010, a final decision on an
6 application for certification of a solar thermal powerplant that has
7 applied for and will receive funding under the federal American
8 Recovery and Reinvestment Act of 2009 (Public Law 111-5).
9 (b) If the commission determines that there is substantial
10 evidence in the record that the solar thermal powerplant and related
11 facilities may result in a significant adverse impact on the
12 environment or electric system, or does not comply with an
13 applicable standard, ordinance, regulation, or statute, the
14 commission shall issue its final decision pursuant to subdivision
15 (a) of Section 25522 of the Public Resources Code and Section
16 25540.6 of the Public Resources Code and a new application shall
17 not be required.
18 (c) For an application accepted by the commission pursuant to
19 this section, a local, regional, or state agency that would have had
20 jurisdiction over the proposed solar thermal powerplant and related
21 facilities, but for the exclusive jurisdiction of the commission,
22 shall provide its final comments, determinations, or opinions within
23 90 days after the filing of the application. The regional water
24 quality control board established pursuant to Chapter 4
25 (commencing with Section 13200) of Division 7 of the Water Code
26 having jurisdiction over the area in which the powerplant is located
27 shall retain jurisdiction over any applicable water quality standard
28 that is incorporated into the final certification issued pursuant to
29 this section.
30 (d) The commission may implement this section by adopting
31 emergency regulations pursuant to Chapter 3.5 (commencing with
32 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
33 Code. For the purposes of that chapter, including, without
34 limitations, Section 11349.6 of the Government Code, the adoption
35 of the regulations shall be considered by the Office of

1 Administrative Law to be necessary for the immediate preservation
2 of the public peace, health, safety, and general welfare.

3 (e) This section shall remain in effect only until January 1, 2011,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2011, deletes or extends that date.

6 SEC. 2. This act addresses the fiscal emergency declared by
7 the Governor by proclamation on January 8, 2010, pursuant to
8 subdivision (f) of Section 10 of Article IV of the California
9 Constitution.

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